



February 17, 2006

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## ENGROSSED SENATE BILL No. 314

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DIGEST OF SB 314 (Updated February 15, 2006 3:44 pm - DI 14)

**Citations Affected:** IC 14-8; IC 14-22; IC 14-32; IC 15-5; noncode.

**Synopsis:** Soil and water conservation districts and wild animals. Redefines "wild animal". Removes the definition of and references to exotic animals. Establishes water quality protection as a legislative policy. Makes changes to the membership of the soil conservation board (board) and the advisory members. Requires the board to conduct a conservation needs inventory and hold meetings throughout the state. Allows a waiver of the ten acres of land requirement to be waived for elected soil and water conservation district supervisors. Removes the requirement that the nominees for elected supervisors must exceed the vacancies. Allows the board to appoint associate supervisors for soil and water conservation districts. Adds information that must be included in annual reports. Requires the department of agriculture to implement a geographic information system for each county. Allows the clean water Indiana program to provide financial assistance to soil and water conservation districts. Repeals: (1) the definition of exotic mammals; and (2) the chapter of the code concerning breeder's licenses. Requires the legislative services agency to prepare legislation redodifying the soil and water conservation programs in the article of the Indiana Code concerning the department of agriculture. Makes technical corrections.

**Effective:** Upon passage; July 1, 2006.

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**Nugent, Hume, Landske, Paul**

(HOUSE SPONSORS — FRIEND, GUTWEIN, HOFFMAN, GRUBB)

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January 10, 2006, read first time and referred to Committee on Agriculture and Small Business.

January 26, 2006, amended, reported favorably — Do Pass.

January 30, 2006, read second time, ordered engrossed. Engrossed.

February 2, 2006, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Agriculture and Rural Development.

February 16, 2006, amended, reported — Do Pass.

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ES 314—LS 6733/DI 77+



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February 17, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 314

A BILL FOR AN ACT to amend the Indiana Code concerning  
natural and cultural resources and agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 318. "Wild animal"  
3 has the following meaning:

4 (1) For purposes of IC 14-22, except as provided in subdivision

5 (2), an animal ~~whose species usually:~~

6 ~~(A) that lives in the wild. or~~

7 ~~(B) is not domesticated:~~

8 (2) For purposes of IC 14-22-38-6, the meaning set forth in  
9 IC 14-22-38-6.

10 SECTION 2. IC 14-22-1-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild  
12 animals ~~except those that are:~~

13 ~~(1) legally owned or being held in captivity under a license or~~  
14 ~~permit as required by this article; or~~

15 ~~(2) otherwise excepted in this article;~~

16 are the property of the people of Indiana.

17 (b) The department shall protect and properly manage the fish and

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ES 314—LS 6733/DI 77+



wildlife resources of Indiana.

SECTION 3. IC 14-22-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The director shall adopt rules under IC 4-22-2 to do the following:

- (1) Establish, open, close, lengthen, suspend, or shorten seasons.
- (2) Establish bag, sex, and size limits.
- (3) Establish limitations on the numbers of hunters and fishermen.
- (4) Establish the methods, means, and time of:

(A) taking, chasing, transporting, and selling; or

(B) attempting to take, transport, or sell;

wild animals, ~~or exotic mammals~~, with or without dogs, in Indiana or in a designated part of Indiana.

(5) Establish other necessary rules to do the following:

(A) Administer this chapter.

(B) Properly manage wild animals ~~or exotic mammals~~ in a designated water or land area of Indiana.

(6) Set aside and designate land or water or parts of the land or water owned, controlled, or under contract or acquired by the state for conservation purposes as a public hunting and fishing ground under the restrictions, conditions, and limitations that are determined to be appropriate.

(b) Rules:

(1) may be adopted only after thorough investigation; and

(2) must be based upon data relative to the following:

(A) The welfare of the wild animal.

(B) The relationship of the wild animal to other animals.

(C) The welfare of the people.

(c) Whenever the director determines that it is necessary to adopt rules, the director shall comply with the following:

(1) Rules must clearly describe and set forth any applicable changes.

(2) The director shall make or cause to be made a periodic review of the rules.

(3) A copy of each rule, as long as the rule remains in force and effect, shall be included and printed in each official compilation of the Indiana fish and wildlife law.

(d) The director may modify or suspend a rule for a time not to exceed one (1) year under IC 4-22-2-37.1.

SECTION 4. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

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(1) has a game breeders license issued by the department of natural resources under IC 14-22-20;

(2) (1) contains privately owned cervidae; and

(3) (2) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

SECTION 5. IC 14-22-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Upon receipt of an application, the department shall do the following:

(1) Inspect the following:

(A) The proposed shooting preserve.

(B) The facilities for propagating the game birds. ~~or exotic mammals.~~

(C) The cover.

(D) The capability of the applicant to maintain such an operation.

(2) If found feasible, approve the application and issue a license to the applicant.

SECTION 6. IC 14-22-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A person issued a license under section 4 of this chapter may propagate and offer for hunting the following animals that are captive reared and released:

(1) Pheasant.

(2) Quail.

(3) Chukar partridges.

(4) Properly marked mallard ducks. ~~and~~

(5) Other game bird species that the department determines by rule.

~~(2) Species of exotic mammals that the department determines by rule.~~

SECTION 7. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person may not take game birds ~~and exotic mammals~~ on a shooting preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five

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cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

SECTION 8. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The licensee of a shooting preserve shall issue a bill of sale designating game birds ~~or exotic mammals~~ lawfully taken upon the shooting preserve. The bill of sale must accompany all game birds ~~and exotic mammals~~ removed from the shooting preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds ~~or exotic mammals~~ from the shooting preserve. The bills of sale are subject to inspection by the fish and wildlife division at any time.

SECTION 9. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to the following:

- (1) Conservation officers or other law enforcement officers.
- (2) Game birds ~~or exotic mammals~~ in shooting preserves licensed under IC 14-22-31.
- (3) ~~A person who takes a feral exotic mammal when the feral exotic mammal is causing damage to property that is owned or leased by the person.~~
- (4) ~~A person who is authorized by the department under extraordinary circumstances to take an exotic mammal.~~

SECTION 10. IC 14-22-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person may not do any of the following:

- (1) Offer a game bird ~~or an exotic mammal~~ for hunting, trapping, or chasing by a person using a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow.
- (2) Hunt, trap, or chase a game bird ~~or an exotic mammal~~ with a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow.

SECTION 11. IC 14-22-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a person violates section 2(1) of this chapter, the department shall enter a recommended order to dispose of any game bird ~~or exotic mammal~~ the person owns, keeps, harbors, or otherwise possesses. Before the order becomes a final determination of the department, a hearing must be held under IC 4-21.5-3. The hearing shall be conducted by an administrative law judge for the commission. The determination of the administrative law judge is a final agency action under IC 4-21.5-1-6.

SECTION 12. IC 14-32-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The following are declared as a matter of legislative determination:

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(1) That the land and water resources of Indiana are among the basic assets of Indiana and that the proper management of these resources is necessary to protect and promote the health, safety, and general welfare of the people of Indiana.

(2) That improper land use practices and failure to control and use rainfall and runoff water cause and contribute to deterioration and waste of these resources of Indiana.

(3) That the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus and developing a soil condition that favors excessive runoff and erosion, with the following results:

(A) The topsoil is being blown and washed out of the fields and pastures.

(B) There has been an accelerated washing of sloping fields.

(C) These processes of erosion by wind and water speed up with removal of the topsoil, exposing the less absorptive, less protective, less productive, and more erosive subsoil.

(4) That valuable water resources are being lost causing damages in watersheds.

(5) That failure by a land occupier to properly manage the soil and water causes a washing and blowing of these resources onto other land and makes the conservation of these resources on the other land more difficult.

(6) That the consequences of soil erosion and failure to control and use rainfall and runoff water are the following:

(A) The silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors.

(B) The loss of fertile soil material.

(C) The piling up of soil on lower slopes and the deposit over alluvial plains.

(D) The reduction in productivity or outright ruin of bottom land by flooding and overwash of poor subsoil material, sand, and gravel swept out of the hills.

(E) The deterioration of soil and the soil's fertility, deterioration of crops grown, and reduction in crop yields.

(F) The loss of soil and water that causes destruction of food and cover for wildlife.

(G) A blowing and washing of soil into streams and lakes that silts over spawning beds and destroys water plants, diminishing the food supply of fish.

(H) A diminishing of the underground water reserve and loss

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of surplus rainfall runoff causing water shortages, intensifying periods of drought, and causing crop failures.

(I) An increase in the speed and volume of rainfall runoff, causing severe and increasing floods.

(J) Economic hardship for those attempting to farm land that is eroded or subject to frequent flooding.

(K) Damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms.

(L) Losses in navigation, hydroelectric power, municipal water supply, recreational water development, irrigation developments, farming, and grazing.

(7) That to conserve soil and water resources, control and prevent soil erosion, **protect water quality from sediment**, reduce flood damage, and further the conservation development, use, and disposal of water, it is necessary that:

(A) land use practices contributing to soil and water wastage, **water quality impairment**, and soil erosion be discouraged and discontinued; and

(B) appropriate soil and water conserving land use practices and works of improvement for flood prevention or the conservation development, use, and disposal of water be adopted and carried out.

(8) That among the procedures necessary for widespread adoption are the following:

(A) Carrying on of engineering operations such as the construction of flood preventing reservoirs and channels, terraces, terrace outlets, check dams, dikes, ponds, ditches, and similar operations.

(B) The use of soil protecting agronomic practices, such as strip cropping, contour cropping, and conservation tillage.

(C) Land irrigation.

(D) Seeding and planting of sloping, abandoned, or eroded land to water-conserving and erosion-preventing plants, trees, and grasses.

(E) Forestation and reforestation.

(F) Rotation of crops.

(G) Soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops.

(H) Retardation of runoff by impounding the runoff water behind structures, by increasing the absorption of rainfall, and by retiring from cultivation all steep, highly erosive areas and areas already badly eroded.

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**(I) The use of water quality protection practices, including nutrient and pesticide management on all lands.**

SECTION 13. IC 14-32-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. In light of the determination set forth in section 1 of this chapter, it is the policy of the general assembly to provide for the proper management of soil and water resources, the control and prevention of soil erosion, the prevention of flood water and sediment damage, **the prevention of water quality impairment**, and the conservation development, use, and disposal of water in the watersheds of Indiana to accomplish the following:

- (1) Conserve the natural resources, including wildlife.
- (2) Control floods.
- (3) Prevent impairment of dams and reservoirs.
- (4) Assist in maintaining the navigability of rivers and harbors.
- (5) Protect the water quality of lakes and streams.
- (6) Protect the tax base.
- (7) Protect public land.
- (8) Protect and promote the health, safety, and general welfare of the people of Indiana.

**(9) Protect a high quality water resource.**

SECTION 14. IC 14-32-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The soil conservation board is established within the department of agriculture established by IC 15-9-2-1 as the administrative policy making body for soil and water conservation practices.

SECTION 15. IC 14-32-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The board consists of the following ~~nine (9)~~ **seven (7)** members:

- (1) Four (4) members who must be land occupiers with farming interests, appointed by the governor.
- (2) ~~Two (2)~~ **Three (3)** members who must be land occupiers with nonfarming interests, appointed by the governor.
- (3) ~~Three (3)~~ **ex officio** members as follows:
  - (A) ~~The director or the director's designee.~~
  - (B) ~~The director of the department of agriculture or the director's designee.~~
  - (C) ~~The director of the Purdue University cooperative extension service or the director's designee.~~

SECTION 16. IC 14-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A majority of the ~~six (6)~~ **seven (7)** appointed members of the board must have experience

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as district supervisors.

(b) In making appointments to the board, the governor may invite and consider the recommendations of the following:

- (1) The Purdue University cooperative extension service.
- (2) The department of agriculture.
- (3) The Indiana Association of Soil and Water Conservation Districts.

(c) All appointments to the board shall be made without regard to political affiliation.

(d) The members appointed to the board under section 2(1) and 2(2) of this chapter must be residents of at least four (4) different geographic regions of Indiana.

SECTION 17. IC 14-32-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a)~~ The term of an appointed member of the board is four (4) years. An appointed member shall serve until a successor is appointed and has qualified. The terms shall be staggered so that **at least** three (3) members are appointed every two (2) years.

~~(b) The terms of the three (3) ex officio members of the board are coterminous with the governor's term of office.~~

SECTION 18. IC 14-32-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a)** The governor may appoint advisory members from other **organizations that promote conservation, including local,** state, and federal agencies upon the recommendation of the board.

**(b) The governor shall appoint members to the advisory board that represent the following:**

- (1) The department of agriculture.**
- (2) The department of natural resources.**
- (3) The department of environmental management.**
- (4) The Purdue University cooperative extension service.**
- (5) The Indiana Association of Soil and Water Conservation Districts.**
- (6) The Farm Service Agency of the United States Department of Agriculture.**
- (7) The Natural Resources Conservation Service of the United States Department of Agriculture.**

SECTION 19. IC 14-32-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. The board shall do the following:

- (1) Provide for the execution of surety bonds for all board employees and officers who are entrusted with money or property.

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(2) Provide for the keeping of a full and accurate record of all board proceedings and of all resolutions and rules the board issues or adopts. The accounts of receipts and disbursements are subject to examination by the state board of accounts.

(3) Offer appropriate assistance to the supervisors of soil and water conservation districts to carry out district powers and programs.

(4) Keep the supervisors of districts informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among districts.

(5) Coordinate the programs of the districts as far as this may be done by advice and consultation.

(6) Secure the cooperation and assistance of the United States and state agencies in the work of the districts. However, this subdivision does not authorize either of the following:

(A) The transfer or control of authority over districts to a federal agency.

(B) The transfer of title of land or control to the United States.

(7) Disseminate information throughout Indiana concerning the activities and programs of the districts and encourage the formation of districts in areas where organization is desirable.

(8) Coordinate the erosion and sediment part of 33 U.S.C. 1288 (Public Law 92-500, Section 208) and other erosion and sediment reduction programs that affect water quality, in cooperation with state and federal agencies and through districts as provided under IC 14-32-5-1.

(9) Develop a statewide regulatory program to be initiated after all reasonable voluntary approaches to erosion and sediment reduction have been exhausted.

**(10) Conduct an inventory of conservation needs for planning purposes and to inform the general assembly.**

**(11) Hold meetings in locations throughout Indiana.**

~~(10)~~ **(12) Adopt rules under IC 4-22-2 to implement this article.**

SECTION 20. IC 14-32-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The governing body of a district consists of five (5) supervisors as follows:

(1) Two (2) who are appointed.

(2) Three (3) who are elected.

(b) To hold the position of elected supervisor, an individual:

(1) must be an occupier of a tract of land that is:

(A) more than ten (10) acres in area; and

(B) located within the district;

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(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

**However, the ten (10) acre requirement may be waived if a district requests a waiver and the waiver is approved by the board.**

(c) To hold the position of appointed supervisor, an individual:

(1) must be of voting age;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

SECTION 21. IC 14-32-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a)~~ The election committee appointed under section 7 of this chapter shall do the following:

(1) Select qualified individuals as prospective nominees to fill any vacancies that exist among the elected supervisors of the district.

(2) Contact and ascertain the willingness and ability of each individual to serve if elected.

(3) Submit the list of nominees with the qualifications for certification and printing of a sample ballot to the board by December 1.

(4) Place the names of the prospective nominees selected under subdivisions (1) and (2) in nomination at the meeting and provide an opportunity for additional nominations to be made from the floor.

(5) After nominations are closed, distribute a ballot to each land occupier present at the meeting.

(6) Collect and count the ballots after each land occupier present at the meeting has had an opportunity to vote.

(7) Report the results of the election to the chairman.

~~(b) The number of prospective nominees selected under subsection (a)(1) must exceed the number of vacancies that exist among the elected supervisors of the district by at least one (1).~~

SECTION 22. IC 14-32-4-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.5. (a) The board may appoint associate supervisors to assist in performing duties in each district.**

**(b) Associate supervisors are nonvoting members of the board and may not hold officer positions on the board.**

**(c) Associate supervisors may be reimbursed for approved**

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1 **expenses but are not entitled to per diem.**

2 SECTION 23. IC 14-32-4-22 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. The supervisors of  
4 a district shall do the following:

5 (1) Provide for the execution of surety bonds for all district  
6 employees and officers who are entrusted with money or property.

7 (2) Provide for the keeping of a full and accurate record of all  
8 district proceedings and of all district resolutions and orders  
9 issued or adopted.

10 (3) Provide for an annual audit of the accounts of receipts and  
11 disbursements of the district.

12 (4) Provide a copy of each annual financial statement of the  
13 district to the board **not later than March 31.**

14 SECTION 24. IC 14-32-5-1 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A district  
16 constitutes a governmental subdivision of the state and a public body  
17 corporate and politic exercising public powers.

18 (b) A district may do the following:

19 (1) Carry out soil erosion and water runoff preventive and control  
20 measures within the district, including engineering operations,  
21 methods of cultivation, the growing of vegetation, changes in use  
22 of land, and the measures listed in IC 14-32-1-1(7) and  
23 IC 14-32-1-1(8), on the following:

24 (A) Land owned or controlled by the state with the consent and  
25 cooperation of the agency administering and having  
26 jurisdiction of the land.

27 (B) Any other land within the district upon obtaining the  
28 consent of the occupier of the land or the necessary rights or  
29 interests in the land.

30 (2) Construct, improve, operate, and maintain the structures that  
31 are necessary or convenient for the performance of any of the  
32 operations authorized in this article.

33 (3) Cooperate or enter into agreements with, and within the limits  
34 of appropriations made available to the district by law to furnish  
35 financial or other aid to, a federal, state, or other agency or an  
36 occupier of land within the district in the carrying on of  
37 conservation operations within the district, subject to the  
38 conditions that the supervisors consider necessary to advance the  
39 purpose of this article.

40 (4) Obtain options upon and acquire, by purchase, exchange,  
41 lease, gift, grant, bequest, devise, or otherwise, real or personal  
42 property or rights or interests in property.

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(5) Maintain, administer, and improve property acquired, receive income from the property, and expend the income in carrying out this article.

(6) Sell, lease, or otherwise dispose of property or interests in property in furtherance of this article.

(7) Make available to land occupiers within the district, on terms that the district prescribes:

(A) agricultural and engineering machinery and equipment;

(B) fertilizer;

(C) seeds;

(D) seedlings;

(E) other material or equipment; and

(F) services from the district;

that will assist in conserving the soil and water resources of the land occupiers.

(8) Develop or participate in the development of comprehensive plans for the proper management of soil and water resources within the district that specify the acts, procedures, performances, and avoidances necessary or desirable for the effectuation of the plans.

(9) Publish plans and information developed under subdivision (8) and bring the plans and information to the attention of land occupiers within the district.

(10) Take over, with the consent of the United States or the state, by purchase, lease, or otherwise, and administer any soil and water conservation, erosion control, water quality protection, or flood prevention project of the entity located within the district's boundaries.

(11) Manage, as agent of the United States or the state, any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(12) Act as agent for the United States or the state in connection with the acquisition, construction, operation, or administration of any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(13) Accept donations, gifts, and contributions in money, services, materials, or otherwise from the United States and use or expend the services, materials, or other contributions in carrying on the district's operations.

(14) Sue and be sued in the name of the district.

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(15) Have perpetual succession unless terminated as provided in this article.

(16) Make and execute contracts and other instruments necessary or convenient to the exercise of the district's powers.

(17) Adopt rules and regulations consistent with this article to carry into effect the purposes and powers of this article.

(18) Require an occupier of land not owned or controlled by the state, as a condition to extending benefits under this article to or the performance of work upon the land, to do either or both of the following:

(A) Make contributions in money, services, materials, or otherwise to an operation conferring benefits.

(B) Enter into agreements or covenants concerning the use and treatment of the land that will tend to:

(i) prevent or control soil erosion;

(ii) achieve water conservation and water quality protection; and

(iii) reduce flooding;

on the land.

(19) Cooperate with the state in the following:

(A) Conducting surveys, investigations, and research relating to the character of soil erosion and water losses and the preventive and control measures needed.

(B) Publishing the results of the surveys, investigations, and research.

(C) Disseminating information concerning the preventive and control measures.

**(D) The management of watersheds.**

(20) Cooperate with the state in conducting, within the district, soil and water conservation, erosion control, water quality protection, and flood prevention demonstration projects:

(A) on land owned or controlled by the state with the agency administering and having jurisdiction of the land; and

(B) on any other land upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(21) Serve as the management agency for:

(A) the erosion and sediment part of 33 U.S.C. 1288 (P.L. 92-500, section 208); and

(B) other erosion and sediment reduction programs that affect water quality in each county.

SECTION 25. IC 14-32-7-6 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The division of  
2 soil conservation:

3 (1) shall administer and coordinate the duties and responsibilities  
4 of the department **of agriculture** under the land resource  
5 programs authorized by this chapter; and

6 (2) in carrying out its duties under subdivision (1), may work in  
7 cooperation with the following:

8 (A) Federal and state agencies.

9 (B) Local governmental agencies involved in land use  
10 planning and zoning.

11 (C) Any person, firm, institution, or agency, public or private,  
12 having an interest in land conservation.

13 (b) The department **of agriculture** may employ the personnel and  
14 provide facilities and services that are necessary to carry out the  
15 ~~department's~~ **department of agriculture's** duties and responsibilities  
16 under this chapter.

17 **(c) The department of agriculture shall prepare an annual**  
18 **report of the division of soil conservation's expenditures and**  
19 **accomplishments and that contains a proposed business plan.**

20 SECTION 26. IC 14-32-7-8.5 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. (a) As used in this  
22 section, "soil survey" means a systematic scientific identification,  
23 inventory, and mapping of the soils of a given area that sets forth the  
24 capabilities, potential, and limitations of the soils in the satisfaction of  
25 human needs.

26 (b) The department **of agriculture** shall use the money appropriated  
27 by the general assembly to implement and supplement a program of  
28 modern soil surveys **and geographic information systems (GIS)** for  
29 Indiana that will, within the shortest practicable time, provide a modern  
30 soil survey **and geographic information system** for each county as an  
31 essential tool in land conservation.

32 SECTION 27. IC 14-32-7-12 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) As used in this  
34 section, "river" includes streams and the tributaries of rivers.

35 (b) The division of soil conservation shall do the following:

36 (1) Perform all administrative duties required by the rules of the  
37 board.

38 (2) Provide professional assistance to districts in planning,  
39 coordinating, and training for the following:

40 (A) Adult soil and water conservation education.

41 (B) Natural resources conservation information programs for  
42 elementary and secondary schools.

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- 1                   **(C) Supervisors and staff.**
- 2                   (3) Provide professional soil conservation technical assistance to
- 3                   districts.
- 4                   (4) Provide nonagricultural soils interpretive and erosion control
- 5                   expertise on a regional basis.
- 6                   (5) Assist the districts and other federal, state, and local entities
- 7                   in encouraging and monitoring compliance with those aspects of
- 8                   the programs that are related to erosion and sediment reduction.
- 9                   (6) Administer a cost share program for installation of erosion
- 10                  control structural measures on severely eroding cropland and for
- 11                  conversion of highly erodible land from crop production to
- 12                  permanent vegetative cover.
- 13                  (7) Administer a lake and river enhancement program to do the
- 14                  following:
- 15                        (A) Control sediment and associated nutrient inflow into lakes
- 16                        and rivers.
- 17                        (B) Accomplish actions that will forestall or reverse the impact
- 18                        of that inflow and enhance the continued use of Indiana's lakes
- 19                        and rivers.
- 20                  **(8) Provide professional assistance to districts in conservation**
- 21                  **needs assessments, program development, and program**
- 22                  **evaluation.**
- 23                  SECTION 28. IC 14-32-8-5 IS AMENDED TO READ AS
- 24                  FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The purpose of the
- 25                  program is to provide financial assistance to:
- 26                        **(1) soil and water conservation districts;**
- 27                        ~~(1)~~ **(2) land occupiers; and**
- 28                        ~~(2)~~ **(3) conservation groups;**
- 29                  to implement conservation practices to reduce nonpoint sources of
- 30                  water pollution through education, technical assistance, training, and
- 31                  cost sharing programs.
- 32                  SECTION 29. IC 14-32-8-7 IS AMENDED TO READ AS
- 33                  FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Money in the fund
- 34                  may be spent in the following ways:
- 35                        (1) To increase district technical assistance in local conservation
- 36                        efforts.
- 37                        (2) To develop an environmental stewardship program to assist
- 38                        land occupiers in complying with environmental regulations
- 39                        voluntarily.
- 40                        (3) To qualify for federal matching funds for county soil survey
- 41                        computerization.
- 42                        (4) To provide for the following cost sharing programs:

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(A) A program to encourage land occupiers to implement conservation practices to reduce nutrient, pesticide, and sediment runoff.

(B) Programs that encourage land occupiers to implement nutrient management programs by sharing the cost of any of the following:

(i) Fencing for intensive grazing systems.

(ii) Purchasing nutrient management equipment.

(iii) Voluntary environmental audits.

(iv) Other similar expenditures related to nutrient management.

(5) To provide matching grants to districts for the following:

(A) Professional watershed coordinators to facilitate and administer local watershed protection projects.

(B) District managers to administer district conservation policies and programs.

(6) To increase state technical and capacity building assistance to districts and local conservation efforts by providing for the following:

(A) Capacity building specialists to train district personnel in grant writing, grant administration, and leadership development.

(B) Conservation education specialists to help implement district conservation education efforts.

(C) Urban storm water specialists to provide technical assistance to developers to contain soil erosion on construction sites.

(7) To make distributions as provided under section 8 of this chapter.

**(8) Implementation of geographic information systems (GIS) or similar technology.**

SECTION 30. IC 14-32-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) In addition to funds provided to a district under section 7 of this chapter or from any other source, the division of soil conservation shall pay to the district one dollar (\$1) for every one dollar (\$1) the district receives from a political subdivision.

(b) The state is not obligated to match more than ten thousand dollars (\$10,000) under this section.

(c) In order to receive funding under this section ~~before April 15 of~~ each year, a district must certify to the division of soil conservation the amount of money the district received from all political subdivisions

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during the one (1) year period beginning January 1 of the previous year.  
**The information prepared under this subsection must be part of the report prepared under IC 14-32-4-22.** The division of soil conservation shall make distributions under this section not later than July 15 of each year.

(d) Before making distributions under this section, the division of soil conservation shall determine the total amount of money that has been certified by all districts as having been provided by political subdivisions. If the cumulative amount to be distributed to all districts exceeds the amount appropriated to the fund, the division of soil conservation shall reduce the distribution to each district proportionately.

(e) A district must spend money received under this section for the purposes of the district.

SECTION 31. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund that the township trustee shall use in the manner provided in this chapter for the payment of the following:

(1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineas.

(L) Tame rabbits.

~~(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.~~

~~(N)~~ (M) Bison.

~~(O)~~ (N) Farm raised cervidae.

~~(P)~~ (O) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to

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1 have hydrophobia, within any township of Indiana.

2 (b) Any person requiring the treatment described in subsection  
3 (a)(2) may select the person's own physician.

4 (c) No damages shall be assessed or paid under this chapter on  
5 sheep except where individual damage exists or is shown.

6 (d) This subsection applies to a county whose legislative body has  
7 acted under this subsection. A county legislative body may designate  
8 by ordinance one (1) humane society located in that county to receive  
9 fifty cents (\$0.50) from each dog tax payment collected under this  
10 chapter.

11 (e) A humane society designated under subsection (d) shall use the  
12 funds disbursed to the society to maintain an animal shelter.

13 (f) If a county does not designate a humane society to receive  
14 payments under subsection (d), those amounts remain in the township  
15 dog fund."

16 SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE  
17 UPON PASSAGE]: IC 14-8-2-87; IC 14-22-20.

18 SECTION 33. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
19 **SECTION, "department" refers to the department of agriculture**  
20 **established by IC 15-9-2-1.**

21 (b) **The legislative services agency shall prepare legislation for**  
22 **introduction in the 2007 regular session of the general assembly to**  
23 **organize the statutes concerning soil and water conservation and**  
24 **move the soil and water conservation statutes to IC 15-9, the article**  
25 **concerning the department.**

26 (c) **This SECTION expires July 1, 2007.**

27 SECTION 34. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 314.

NUGENT

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 11, delete "of the" and insert "**for**".

Page 4, line 12, delete "conservation districts." and insert "**conservation.**".

Page 5, line 15, after "department" insert "**of natural resources**".

and when so amended that said bill do pass.

(Reference is to SB 314 as introduced.)

NUGENT, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Senators Landske and Paul be added as coauthors of Engrossed Senate Bill 314.

NUGENT

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 314, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

ES 314—LS 6733/DI 77+



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A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and agriculture and animals.

Between the enacting clause and page 1, begin a new paragraph and insert:

"SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 318. "Wild animal" has the following meaning:

- (1) For purposes of IC 14-22, except as provided in subdivision
- (2), an animal ~~whose species usually:~~
  - ~~(A) that lives in the wild. or~~
  - ~~(B) is not domesticated.~~
- (2) For purposes of IC 14-22-38-6, the meaning set forth in IC 14-22-38-6.

SECTION 2. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals ~~except those that are:~~

- ~~(1) legally owned or being held in captivity under a license or permit as required by this article; or~~
- ~~(2) otherwise excepted in this article;~~

are the property of the people of Indiana.

(b) The department shall protect and properly manage the fish and wildlife resources of Indiana.

SECTION 3. IC 14-22-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The director shall adopt rules under IC 4-22-2 to do the following:

- (1) Establish, open, close, lengthen, suspend, or shorten seasons.
- (2) Establish bag, sex, and size limits.
- (3) Establish limitations on the numbers of hunters and fishermen.
- (4) Establish the methods, means, and time of:
  - (A) taking, chasing, transporting, and selling; or
  - (B) attempting to take, transport, or sell;
 wild animals, ~~or exotic mammals~~, with or without dogs, in Indiana or in a designated part of Indiana.
- (5) Establish other necessary rules to do the following:
  - (A) Administer this chapter.
  - (B) Properly manage wild animals ~~or exotic mammals~~ in a designated water or land area of Indiana.
- (6) Set aside and designate land or water or parts of the land or water owned, controlled, or under contract or acquired by the state for conservation purposes as a public hunting and fishing ground under the restrictions, conditions, and limitations that are determined to be appropriate.

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## (b) Rules:

- (1) may be adopted only after thorough investigation; and
- (2) must be based upon data relative to the following:
  - (A) The welfare of the wild animal.
  - (B) The relationship of the wild animal to other animals.
  - (C) The welfare of the people.

(c) Whenever the director determines that it is necessary to adopt rules, the director shall comply with the following:

- (1) Rules must clearly describe and set forth any applicable changes.
- (2) The director shall make or cause to be made a periodic review of the rules.
- (3) A copy of each rule, as long as the rule remains in force and effect, shall be included and printed in each official compilation of the Indiana fish and wildlife law.

(d) The director may modify or suspend a rule for a time not to exceed one (1) year under IC 4-22-2-37.1.

SECTION 4. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

- ~~(1) has a game breeders license issued by the department of natural resources under IC 14-22-20;~~
- ~~(2) (1) contains privately owned cervidae; and~~
- ~~(3) (2) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;~~

but does not involve the hunting of privately owned cervidae.

SECTION 5. IC 14-22-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Upon receipt of an application, the department shall do the following:

- (1) Inspect the following:
  - (A) The proposed shooting preserve.
  - (B) The facilities for propagating the game birds. ~~or exotic mammals.~~
  - (C) The cover.
  - (D) The capability of the applicant to maintain such an operation.
- (2) If found feasible, approve the application and issue a license to the applicant.

SECTION 6. IC 14-22-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A person issued a license under section 4 of this chapter may propagate and offer for

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hunting the following animals that are captive reared and released:

- (1) Pheasant.
- (2) Quail.
- (3) Chukar partridges.
- (4) Properly marked mallard ducks. ~~and~~
- (5) Other game bird species that the department determines by rule.
- ~~(2) Species of exotic mammals that the department determines by rule.~~

SECTION 7. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person may not take game birds ~~and exotic mammals~~ on a shooting preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.

(b) The department:

- (1) shall issue special licenses; and
- (2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

SECTION 8. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The licensee of a shooting preserve shall issue a bill of sale designating game birds ~~or exotic mammals~~ lawfully taken upon the shooting preserve. The bill of sale must accompany all game birds ~~and exotic mammals~~ removed from the shooting preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds ~~or exotic mammals~~ from the shooting preserve. The bills of sale are subject to inspection by the fish and wildlife division at any time.

SECTION 9. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to the following:

- (1) Conservation officers or other law enforcement officers.
- (2) Game birds ~~or exotic mammals~~ in shooting preserves licensed under IC 14-22-31.
- ~~(3) A person who takes a feral exotic mammal when the feral exotic mammal is causing damage to property that is owned or leased by the person.~~
- ~~(4) A person who is authorized by the department under extraordinary circumstances to take an exotic mammal.~~

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SECTION 10. IC 14-22-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person may not do any of the following:

- (1) Offer a game bird ~~or an exotic mammal~~ for hunting, trapping, or chasing by a person using a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow.
- (2) Hunt, trap, or chase a game bird ~~or an exotic mammal~~ with a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow.

SECTION 11. IC 14-22-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a person violates section 2(1) of this chapter, the department shall enter a recommended order to dispose of any game bird ~~or exotic mammal~~ the person owns, keeps, harbors, or otherwise possesses. Before the order becomes a final determination of the department, a hearing must be held under IC 4-21.5-3. The hearing shall be conducted by an administrative law judge for the commission. The determination of the administrative law judge is a final agency action under IC 4-21.5-1-6."

Page 2, line 41, delete "quality," and insert "**quality from sediment**,".

Page 4, line 11, after "the" insert "**administrative**".

Page 4, line 12, delete "conservation." and insert "**conservation practices**,".

Page 13, after line 42, begin a new paragraph and insert:

"SECTION 31. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund that the township trustee shall use in the manner provided in this chapter for the payment of the following:

- (1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:
  - (A) Sheep.
  - (B) Cattle.
  - (C) Horses.
  - (D) Swine.
  - (E) Goats.
  - (F) Mules.
  - (G) Chickens.
  - (H) Geese.
  - (I) Turkeys.
  - (J) Ducks.

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(K) Guineas.

(L) Tame rabbits.

~~(M)~~ Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

~~(N)~~ (M) Bison.

~~(O)~~ (N) Farm raised cervidae.

~~(P)~~ (O) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia, within any township of Indiana.

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund."

SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 14-8-2-87; IC 14-22-20.

SECTION 33. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of agriculture established by IC 15-9-2-1.

(b) The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize the statutes concerning soil and water conservation and move the soil and water conservation statutes to IC 15-9, the article concerning the department.

(c) This SECTION expires July 1, 2007.

SECTION 34. An emergency is declared for this act."

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 314 as printed January 27, 2006.)

GUTWEIN, Chair

Committee Vote: yeas 10, nays 0.

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